

109TH CONGRESS
1ST SESSION

H. R. 2690

To provide that a State may use a proportional voting system for multiseat congressional districts, to require the use of instant runoff voting in certain elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Ms. MCKINNEY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that a State may use a proportional voting system for multiseat congressional districts, to require the use of instant runoff voting in certain elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voter Choice Act of
5 2005”.

1 **TITLE I—PERMITTING USE OF**
2 **MULTISEAT DISTRICTS FOR**
3 **HOUSE ELECTIONS**

4 **SEC. 101. MULTISEAT DISTRICTS PERMITTED FOR ELEC-**
5 **TION OF REPRESENTATIVES FOR STATES**
6 **WITH A PROPORTIONAL VOTING SYSTEM.**

7 (a) IN GENERAL.—Notwithstanding the Act entitled
8 “An Act for the relief of Doctor Ricardo Vallejo Samala
9 and to provide for congressional redistricting”, approved
10 December 14, 1967 (Public Law 90–196; 2 U.S.C. 2c),
11 a State that is entitled to more than one Representative
12 in Congress may establish a number of districts for elec-
13 tion of Representatives that is less than the number of
14 Representatives to which the State is entitled so long as
15 Representatives are elected under a system which meets
16 the following conditions:

17 (1) The system meets the constitutional stand-
18 ard of majority rule and of individuals having equal
19 voting power.

20 (2) The system ensures the election of any can-
21 didate in a multiseat district who receives a share of
22 votes cast that is at least one vote greater than one-
23 third of the total number of votes cast in the dis-
24 trict.

1 (3) The number of residents per Representative
2 is equal for all Representatives elected in the State.

3 (b) NO RESTRICTION ON SELECTION.—Nothing in
4 subsection (a)(2) may be construed to prohibit a State
5 from using a system under which a candidate may be
6 elected with less than one-third of the total votes cast in
7 a multiseat district.

8 (c) SINGLE-SEAT DISTRICTS PERMITTED IN STATES
9 USING MULTISEAT DISTRICTS.—A State establishing
10 multiseat districts under this title may establish such dis-
11 tricts for the election of all Representatives in the State
12 or in combination with one or more single-seat districts.

13 **SEC. 102. RELATION TO VOTING RIGHTS ACT OF 1965.**

14 The rights and remedies established by this title are
15 in addition to all other rights and remedies provided by
16 law, and the rights and remedies established by this title
17 shall not supersede, restrict, or limit the application of the
18 Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.). Noth-
19 ing in this title authorizes or requires conduct that is pro-
20 hibited by the Voting Rights Act of 1965 (42 U.S.C. 1973
21 et seq.).

1 **TITLE II—INSTANT RUNOFF VOT-**
2 **ING FOR FEDERAL ELEC-**
3 **TIONS**

4 **SEC. 201. REQUIRING USE OF INSTANT RUNOFF VOTING**
5 **FOR GENERAL ELECTIONS FOR FEDERAL OF-**
6 **FICE.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law and except as provided in subsection (b), each
9 State shall conduct general elections for Federal office
10 held in the State during 2008 and each succeeding year
11 using an instant runoff voting system, and shall ensure
12 that the voting equipment and technology used to conduct
13 the elections is compatible with such a system.

14 (b) EXCEPTION FOR HOUSE ELECTIONS IN
15 MULTISEAT DISTRICTS.—Subsection (a) shall not apply
16 with respect to any election for the office of Member of
17 the House of Representatives which is held in a multiseat
18 district (as provided in title I).

19 (c) DEFINITIONS.—In this title, the following defini-
20 tions apply:

21 (1) The term “Federal office” has the meaning
22 given such term in section 301(3) of the Federal
23 Election Campaign Act of 1971 (2 U.S.C. 431(3)).

1 (2) The term “instant runoff voting system”
2 means a system for the election of candidates under
3 which—

4 (A) runoff counts of candidates are con-
5 ducted in rounds;

6 (B) voters may rank candidates on the bal-
7 lot according to the order of preference;

8 (C) if in any round no candidate receives
9 a majority of the votes cast, the candidate with
10 the fewest number of votes is eliminated and
11 the remaining candidates advance to the next
12 round;

13 (D) in each round, a voter shall be consid-
14 ered to have cast one vote for the candidate the
15 voter ranked highest on the ballot who has not
16 been eliminated; and

17 (E) the runoff counts are carried out auto-
18 matically at the time the votes are cast and tab-
19 ulated.

20 (3) The term “State” means each of the several
21 States, the District of Columbia, the Commonwealth
22 of Puerto Rico, American Samoa, Guam, and the
23 United States Virgin Islands.

1 **SEC. 202. GRANTS TO STATES TO DEFRAY COSTS OF ADMIN-**
2 **ISTERING INSTANT RUNOFF VOTING SYSTEM.**

3 (a) ESTABLISHMENT OF GRANT PROGRAM.—There is
4 established a program under which the Election Assist-
5 ance Commission (hereafter in this title referred to as the
6 “Commission”) shall make grants to eligible States to de-
7 fray the costs of administering an instant runoff voting
8 system or a proportional voting system, including the costs
9 of purchasing voting equipment, software, and other tech-
10 nology necessary for such a system.

11 (b) PLAN FOR PROGRAM.—Not later than 60 days
12 after the date of the enactment of this Act, the Commis-
13 sion shall develop and make public a plan describing the
14 criteria to be used in the solicitation and approval of appli-
15 cations for grants under this title and the criteria to be
16 used in overseeing the use of funds provided under such
17 grants, except that under such criteria the Commission
18 may not require a State to match any portion of the
19 amount awarded as a condition of eligibility.

20 (c) ELIGIBILITY OF STATES.—

21 (1) IN GENERAL.—A State is eligible to receive
22 a grant under the program under this section if it
23 submits to the Commission (in such form and man-
24 ner as the Commission may require) an application
25 containing such information and assurances as the
26 Commission may require.

1 (2) DEADLINE FOR APPLICATION.—The Com-
2 mission may not consider an application for a grant
3 under this section unless the application is sub-
4 mitted prior to the expiration of the 60-day period
5 which begins on the date the Commission makes
6 public the plan developed under subsection (b).

7 (3) DEADLINE FOR RESPONSE.—The Commis-
8 sion shall approve or reject an application submitted
9 under this subsection not later than 120 days after
10 receiving the application.

11 (4) CRITERIA FOR REJECTION.—The Commis-
12 sion may not reject an application submitted under
13 this subsection unless it finds that—

14 (A) the equipment, software, or other tech-
15 nology used to administer elections in the State
16 is not compatible with an instant runoff voting
17 system or a proportional voting system; or

18 (B) the State does not provide for appro-
19 priate education for voters, poll workers, and
20 election officials in the use of an instant runoff
21 voting system or a proportional voting system.

22 (d) CAP ON AMOUNT OF GRANT.—The amount of
23 any grant awarded to a State under the program under
24 this section may not exceed the product of—

1 (1) the number of residents in the State at the
2 time the grant is awarded (based on the most recent
3 decennial census); and

4 (2) \$12.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out the pro-
7 gram under this section—

8 (1) \$500,000,000 for fiscal year 2006; and

9 (2) such sums as may be necessary for fiscal
10 year 2007 and each succeeding fiscal year.

11 **SEC. 203. RELATIONSHIP TO OTHER LAWS.**

12 Nothing in this title may be construed to supersede
13 or conflict with the Voting Rights Act of 1965 (42 U.S.C.
14 1973aa et seq.) or the National Voter Registration Act
15 of 1993 (42 U.S.C. 1973gg et seq.).

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